

## To the Honorable Council City of Norfolk, Virginia

June 9, 2015

From:

George M. Homewood, AICP, CFM, Planning Director

Subject:

Special exception for the operation of an eating and drinking establishment at 7550 Granby

Street, Suite 90 - Your Pie

Reviewed:

Collin

Ward/Superward: 2/6

Ronald H. Williams, Jr., Deputy City Manager

Item Number:

R-4

Approved:

Staff Recommendation: Approval. ı.

Commission Action: By a vote of 7 to 0, the Planning Commission recommends Approval. II.

Request: Special exception – eating and drinking establishment. III.

**Jeff Rhoades** IV. Applicant:

#### ٧. **Description:**

- This request is to operate a new restaurant, Your Pie, within a 2,100 square-foot vacant space in the K&K Shopping Center, serving alcoholic beverages for on-premises consumption.
- The shopping center is located along the eastern side of Granby Street within the Wards Corner and Suburban Acres neighborhoods.
- This will be the first Your Pie location in the state of Virginia.

	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages	11:00 a.m. until 10:00 p.m., Seven days a week
	62 seats indoors
Capacity	38 seats outdoors
	107 total capacity

Staff point of contact: Chris Whitney at 823-1253, <a href="mailto:chris.whitney@norfolk.gov">chris.whitney@norfolk.gov</a>

### Attachments:

- Staff Report to CPC dated May 28, 2015 with attachments
- **Proponents and Opponents**
- Ordinance



## Planning Commission Public Hearing: May 28, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff: Chris Whitney, CFM ( )

Staff Report	Item No.			
Address	7550 Granby Street	7550 Granby Street, Suite 90		
Applicant	Your Pie	Your Pie		
Request	<b>Special Exception</b>	Special Exception Eating and Drinking Establishment		
Property Owner	Suburban Management Group (Robert Gurnee)			
Site Characteristics	Site Area	7.4 acres		
	Zoning	Conditional C-3 (Retail Center)		
	Neighborhoods	Suburban Acres; Wards Corner		
	Character District	Suburban		
	North	C-3: Midtown Shopping Center		
Surrounding Area	East	C-2 (Corridor Commercial): small shopping center		
Juli outluing Area		R-8 (Single-Family): single-family homes		
	South	C-2: Langley Federal Credit Union R-7 (Single-Family): single-family homes		
	West	C-2: shopping center, Walgreen's		



## A. Summary of Request

- This request is to operate a new restaurant, Your Pie, within a 2,100 square-foot vacant space in the K&K Shopping Center, serving alcoholic beverages for on-premises consumption.
- The shopping center is located along the eastern side of Granby Street within the Wards Corner and Suburban Acres neighborhoods.

#### B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

#### C. Zoning Analysis

- i. General
  - The use is permitted in the C-3 district by special exception.
  - In April 2012 the site was rezoned to conditional C-3 in order to allow for the development of the shopping center.

	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages	11:00 a.m. until 10:00 p.m., Seven days a week
	62 seats indoors
Capacity	38 seats outdoors
	107 total capacity

### ii. Parking

There is sufficient on-site parking to accommodate this new restaurant.

#### iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

#### D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that this restaurant will generate 299 new vehicle trips per day.
- Granby Street adjacent to the site is identified as a severely congested corridor in the PM peak in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit service with Hampton Roads Transit bus routes 1 (Granby) and 21 (Little Creek) operating adjacent to the site.

## E. Impact on the Environment

This site was developed in 2014 with an approved site plan and is compliant with the City's landscaping and stormwater requirements.

## F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.

## G. Payment of Taxes

The owner of the property is current on all real estate taxes.

#### H. Civic League

- The application was sent to the Wards Corner and Suburban Acres Civic Leagues on April 15.
- The applicant received a letter of support from the Suburban Acres Civic League on April
   5.

## I. Communication Outreach/Notification

- Legal notice was posted on the property on April 21.
- Letters were mailed to all property owners within 300 feet of the property on May 13.
- Legal notification was placed in The Virginian-Pilot on May 14 and May 21.

#### J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 10:00 p.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 62 seats indoors, 38 seats outdoors, and the total occupant capacity, including employees, shall not exceed 107 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

- (f) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (g) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (h) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (i) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (j) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (k) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (I) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

#### Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
Application
Notices to the Civic Leagues
Letter of Support from the Suburban Acres Civic League

## **Proponents and Opponents**

## **Proponents**

None

## **Opponents**

None

05/22/2015 tsv

Form and Correctness Approved

Office of the City Attorney

Contents Approved: CV

By

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "YOUR PIE" ON PROPERTY LOCATED AT 7550 GRANBY STREET, SUITE 90.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Bay Island Ventures, LLC authorizing the operation of an eating and drinking establishment named "Your Pie" on property located at 7550 Granby Street, Suite 90. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 201 feet, more or less, along the eastern line of Granby Street, 612 feet, more or less, along the southern line of East Little Creek Road, 608 feet, more or less, along the western line of Virginian Avenue, and 573 feet, more or less, along the northern line of Louisiana Drive; premises numbered 7550 Granby Street, Suite 90.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 10:00 p.m., seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 62 seats indoors, 38 seats outdoors, and the total occupant capacity, including employees, shall not exceed 107 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

- (c) No portion of the outdoor dining area shall be enclosed, heated or cooled, and any covering must leave the dining space open on at least three sides.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception

must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (1) In addition to the ABC manager or supervisor, the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (m) There shall be no entertainment, no dancing, and no dance floor provided.
- (n) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (o) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the

premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the  $\underline{\text{Zoning Ordinance of the City of Norfolk}}$ , 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (3 pages)



## EXHIBIT "A" Description of Operations Eating and Drinking Establishment

Date 3/31/15				
Trade name of business Your PIE				
Address of business 7550 GRANBY ST., SUITE 90, NORFOLK, VA 2350				
Name(s) of business owner(s)* JEFF RHOADES - Bay Island Ventures, LLC				
Name(s) of property owner(s)* SUBURBAN MANAGEMENT GROUP				
Daytime telephone number (757) 639. 8505				
*If business or property owner is partnership, all partners must be listed. *If business or property owner is an LLC or Corporation, all principals must be listed.				
1. Proposed Hours of Operation:				
Facility Weekday From Wood To 10:00 pm Weekday From Wood To 10:00 pm				
Friday From 11:00 am To 10:00 pm Friday From 11:00 om To 10:00 pm				
Saturday From 11:00 am To 10:00 pm Saturday From 11:00 cm To 10:00 pm				
Sunday From 11:00 am To 10:00pm Sunday From 11:00 am To 10:00pm				
2. Type of ABC license applied for (check all applicable boxes)  ∠On-Premises □ Off-Premises (additional application required)				
3. Type of alcoholic beverage applied for				
<ul> <li>Will indoor or outdoor entertainment be provided?         (Entertainment consists of anything more than one, unamplified musician)         Yes (Different application required)         No     </li> </ul>				

## DEPARTMENT OF CITY PLANNING

## Exhibit A – Page 2 Eating and Drinking Establishment

5.		Will video games, pool tables, game boards or other types of games be provided?  ☐ Yes (If more than 4, additional application required)			
	5a.	If yes, please describe type and number of each game to be provided			
6.	Will pa □ Yes	atrons ever be charged to enter the establishment?			
	6a.	If yes, why			
	6b.	Which days of the week will there be a cover charge (circle all applicable days)?			
		Monday Tuesday Wednesday Thursday Friday			
		Saturday Sunday			
	Will th XYes	ne facility or a portion of the facility be available for private parties?  □ No			
	7a.	If yes, explain			
134					
8.	Will a □ Yes	third party (promoter) be permitted to lease, let or use the establishment?			
	8a.	If yes, explain			
9.	Will th	here ever be a minimum age limit?			

Exhibit A - Page 3

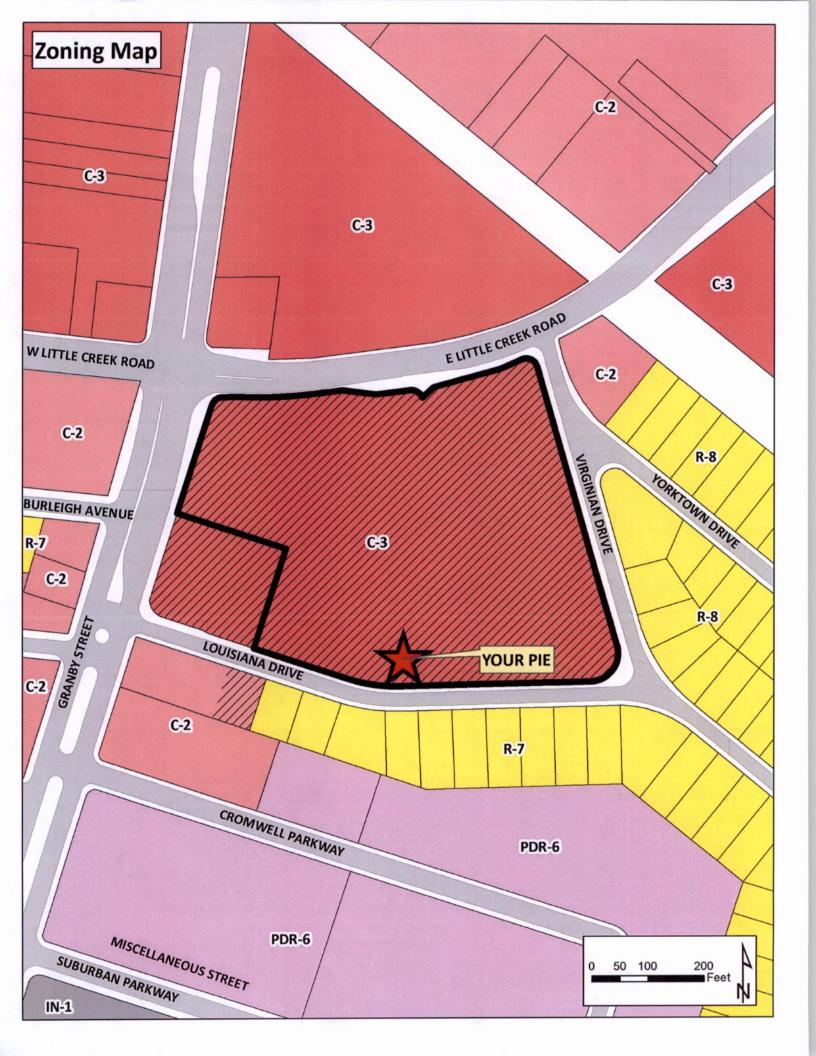
## DEPARTMENT OF CITY PLANNING

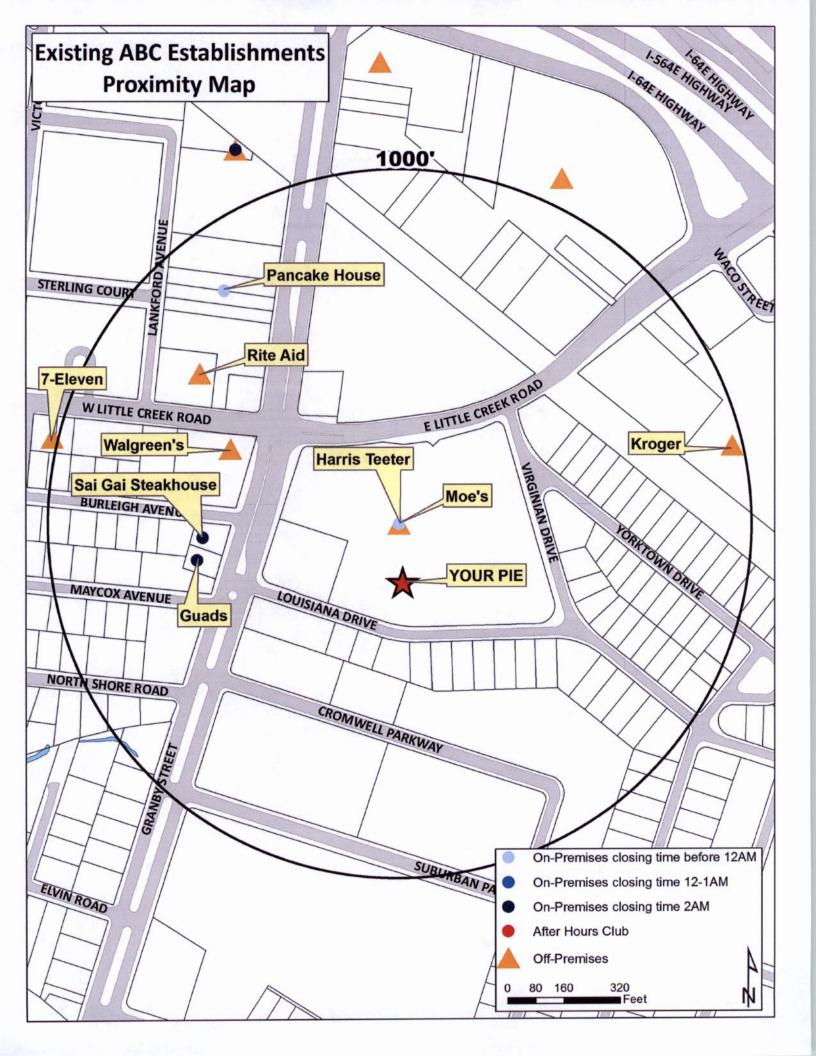
## 

Signature of Applicant

**Eating and Drinking Establishment** 









# APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT (Please print)

Date 3/31/15
DESCRIPTION OF PROPERTY
Address 7550 GRANBY ST., SUITE 90, NORFOLK, VA 23505
Existing Use of Property
Proposed Use Fast casual pizza franchise
Current Building Square Footage
Proposed Building Square Footage
Trade Name of Business (if applicable) Your PIE
APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)
1. Name of applicant: (Last) Rhoades (First) Jeffrey (MI) A
Mailing address of applicant (Street/P.O. Box): 2329 Spindrift Rd.
(City) Va Beach (State) VA (Zip Code) 23451
Daytime telephone number of applicant 757 639 8505 Fax ( )
E-mail address of applicant: JEFF RHOADES@ VERIZON. NET

## DEPARTMENT OF CITY PLANNING

Application Eating and Drinking Establishment Page 2

AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./Inc., include name of	official representative a	nd/or all partners)
2. Name of applicant: (Last)	(First)	(MI)
Mailing address of applicant (Street/P.O. Box):		
(City) (State)	(Zip Code	e)
Daytime telephone number of applicant ( )	Fax ( )	
E-mail address of applicant:		
PROPERTY OWNER (If property owner is a LLC or a Corp./Inc., include n		
3. Name of property owner: (Last) Gurnee		
Mailing address of property owner (Street/P.O. bo		
Daytime telephone number of owner ( ) 671.	1700 email: bobe	suburbanmg.com
CIVIC LEAGUE INFORMATION	, , , D _ C	/v / Suburbon
Civic League contact: Jim English -	Ward's Corner	Kevin Janney - Acres
Date(s) contacted: Attended Words Cor Attended Suburben A Ward/Super Ward information:	ner meeting -	3/16 rectors mts - 3/30
Ward/Super Ward information:		- <i>O</i> ,

## DEPARTMENT OF CITY PLANNING

CERTIFICATION I hereby submit herein is true and	this complete applic d accurate to the best of	ation and certify th of my knowledge:	ne information	contained
Print name: Ro	beat G. Gurnee Property Owner or Authorized	Sign:	31 31	/ 15 (Date)
Print name: <u>Je</u>	ffrey Rhoades (Applicant)	Sign: Www.	3,31	1 15
NLY NEEDED IF AP	PLICABLE:			
Print name:	Authorized Agent Signature)	_Sign:(Da	te)	

## DEPARTMENT OF CITY PLANNING

## Exhibit A – Floor Plan(s) Worksheet Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
  - o Tables/seats
  - o Restroom facilities
  - o Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

## **Total capacity**

a.	Indoor Number of seats (not including bar seats) Number of bar seats Standing room	56
b.	Outdoor Number of seats	38
c.	Number of employees	
Total	Occupancy	/07

(Indoor/Outdoor seats, standing room and employees) =  $\frac{10.7}{1}$ 

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

